

Consideration of preliminary adoption of amendments to 312 IAC 9-1-7 and 312 IAC 9-10-13 governing falconry licenses; Administrative Cause No. 10-088D

In October of 2008, the U.S. Fish and Wildlife Service finalized changes to the regulations governing falconry licenses. As a result, changes are needed to the Indiana administrative rule governing falconry licenses in order to comply with the new federal regulations. The majority of the proposed changes are federal requirements, but some provisions are established by the state, including the season for taking birds from the wild for use in falconry and the falconry hunting seasons.

Falconry is the sport of caring for and training raptors for pursuit of wild game, and hunting wild game with those raptors. It includes taking raptors from the wild for use in falconry, possessing, purchasing, selling, bartering, gifting, and transporting raptors for use in falconry. There are approximately 80 licensed falconers in the State of Indiana at this time.

Below is a list of the primary changes to this rule:

License Requirements

- Clarifies the license requirements for those who let their falconry license lapse but do not have a raptor in possession
- Clarifies testing requirements as to how many times a person can take the test before passing
- Clarifies sponsor requirements for apprentice class license holders
- Lowers age for apprentice and general class license holders
- Clarifies species that can be possessed for general class license holders
- Increases the number of birds that master falconers can possess to 5 wild-caught birds, including eagles, and allows an unlimited number of captive-bred raptors to be possessed
- Clarifies reporting requirements when a raptor is captured
- Clarifies that the falconer must carry a copy of his/her license in possession at all times while trapping, transporting, working with, or flying falconry raptors
- Requires an inspection required prior to obtaining a bird instead of at the time the license is issued

Housing, Possession, and Banding Requirements

- Adds more detailed housing requirements
- Clarifies where facilities can be held if not on the license holder's property
- Clarifies requirements for housing raptors when transporting them
- Clarifies requirements for allowing another person to care for a license holder's raptor
- Modifies banding requirements
- Clarifies the disposition and possession of feathers and carcasses from falconry birds

Release And Transfers Of Raptors

- Clarifies that raptors can be transferred to other license holders with appropriate permits
- Clarifies that wild raptors cannot be purchased, sold, traded or bartered
- Prohibits hybrid raptors from being released into the wild
- Allows a general or master class falconer to hack raptors lawfully possessed to condition raptors for falconry
- Clarifies requirements for transferring birds and reporting the transfer

Other Uses Of Raptors Held Under A Falconry License

- Clarifies that other falconry practices such as creance flying, lures, balloons and kites can be used in training and conditioning falconry raptors
- Allows falconry birds to be used in conservation education
- Clarifies that photography, filming, and other such uses of falconry birds can be done, but no monetary compensation is allowed;

- Clarifies that falconers cannot use falconry raptors to make movies, commercials, or other commercial ventures that are not related to falconry and cannot use raptors for entertainment, advertisements, promotion, etc.
- Clarifies that a falconer can take another person hunting with them with the aid of a raptor, but it can only be a relative or friend that has not paid a fee to accompany the falconer, and the person cannot handle the birds or retain possession of any wild animals taken with the aid of a raptor
- Allows master class falconers to use birds for abatement activities with a permit from the USFWS

Hunting With Falconry Raptors

- Clarifies requirements when prey is taken without the intent of the license holder
- States that permission from the landowner or property manager is required to capture or release a raptor or to practice falconry on public lands
- Clarifies that falconers cannot take a state or federally listed species
- Extends the seasons for taking eyasses (young raptors still in the nest) and nestlings from the wild in Indiana
- Changes the bag limit for gray and fox squirrels to two squirrels per day per raptor
- Allows falconers to carry a handgun possessed under a personal protection permit while hunting with a raptor
- Clarifies that falconry birds can be used at night to hunt game
- Authorizes the taking of crows, European starlings, English sparrows, and rock pigeons with the use or aid of a motor driven conveyance that is not under power, not in motion, and on private property if the license holder is not in possession of a firearm.
- Exempts licensed falconers from wearing hunter orange while hunting squirrels, rabbits, quail, and pheasants on property where the discharging of a firearm is prohibited by local ordinance, unless the license holder is in possession of a firearm.

The Indiana Falconer's Association has requested several of the changes, including the extension of the season for taking eyasses and nestlings from the wild and the increase in the bag limit for squirrels.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #10-

DIGEST

Amends 312 IAC 9-1-7 governing the definition of the term “falconry.” Amends 312 IAC 9-10-13 governing falconry licenses. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-1-7
312 IAC 9-10-13

SECTION 1. 312 IAC 9-1-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-1-7 "Falconry" defined
Authority: IC 14-11-2-1; IC 14-22-2-6
Affected: IC 14-22

Sec. 7. "Falconry" ~~means the sport of taking quarry by means of a trained raptor~~ **is caring for and training raptors for pursuit of wild game, and hunting wild game with raptors that includes:**

- (1) taking;**
- (2) caring for;**
- (3) training; and**
- (4) transporting;**

raptors possessed for that purpose. (*Natural Resources Commission; 312 IAC9-1-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2699; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA*)

SECTION 2. 312 IAC 9-10-13.1 IS ADDED TO READ AS FOLLOWS:

312 IAC 9-10-13.1 Falconry licenses
Authority: IC 14-11-2-1; IC 14-22-2-6; IC 14-22-23
Affected: IC 14-22

Sec. 13. (a) A license is required under this section for an individual to practice falconry.

(b) The following definitions apply to this section:

- (1) “Abatement” means the use of a raptor to mitigate depredation and nuisance problems from other birds for the protection of human health and safety and domestic and wild animals.**
- (2) “Aerie” means the nest of a raptor on a cliff, mountaintop, or man-made building.**
- (3) “Leg Band” means a permanent, nonreusable, numbered United States Fish and Wildlife Service band supplied by the department to be affixed to a raptor’s leg.**
- (4) “Bate” means to attempt to fly off of something while tethered.**
- (5) “Captive-bred” means raptors, including their eggs, hatched in captivity from parents that mated in captivity or otherwise transferred gametes in captivity.**
- (6) “Eyass” means a young raptor that is still in the nest or aerie and is not capable of flying; also known as a nestling.**
- (7) “Giant hood” means any enclosure that affords protection and a suitable perching surface, be it a modified dog style carrier, cardboard box, custom plastic or wood constructed enclosure, including the enclosed areas of vehicles with perching set-ups such as those used by falcons.**
- (8) “Hack” means to temporarily release a raptor held for falconry to the wild so that it must**

survive on its own.

(9) “Hybrid” means an offspring of birds listed as two or more distinct species in 50 CFR 10.13, or offspring of birds recognized by ornithological authorities as two or more distinct species listed in 50 CFR 10.13

(10) “Imping” means grafting a damaged feather with a molted feather onto a trained raptor to repair damage.

(11) “Imprinted” means a bird that is hand-raised in isolation from the sight of other raptors from two (2) weeks of age until it has fledged. An imprinted bird is considered to be so for its entire lifetime.

(12) “Mew” means an indoor enclosure for housing a raptor.

(13) “Passage Bird” means a raptor that is still in its immature plumage, with no presence of new adult tail or primary wing feathers.

(14) “Retrices” means the long, stiff, asymmetrically shaped, but symmetrically paired feathers on the tail of a bird.

(15) “Seamless Metal Band” means a band that is numbered and seamless that is placed on the raptor's leg (metatarsus) and used to mark captive-bred raptors.

(16) “Weathering Area” means an outdoor enclosure for housing a raptor.

(17) “Wild raptor” means a raptor that was originally taken from the wild, regardless of how long it is held in captivity or transferred to another license holder or permit/license type.

(c) An application to practice falconry must be completed upon a signed departmental form.

(d) The Department recognizes three classes of falconry licenses.

(1) An apprentice class falconry license may be issued to an applicant who:

(A) Is at least twelve (12) years of age.

(B) If under the age of eighteen (18) years submits an application that is co-signed by a parent or legal guardian who is legally responsible for the applicant's activities.

(C) Submits with the application a document signed and dated by a holder of a valid general or master class license who is at least eighteen (18) years of age and has at least two (2) years of experience at the general falconer level who agrees to sponsor and assist the applicant with the following:

(i) Learning about the husbandry and training of raptors held for falconry;

(ii) Learning about relevant wildlife laws and regulations; and

(iii) Deciding what species of raptor is appropriate for the applicant to possess while an apprentice.

(D) Complies with subsection (i).

(E) Has raptor housing facilities that on inspection by an Indiana conservation officer have been found to meet the standards set forth in subsection (i).

(2) A general class falconry license may be issued to an applicant who:

(A) Is at least sixteen (16) years of age.

(B) If under the age of eighteen (18) years submits an application that is co-signed by a parent or legal guardian who is legally responsible for the applicant's activities.

(C) Submits with the application a signed and dated document from the applicant's apprentice level license sponsor stating that the applicant has practiced falconry with wild raptor under an apprentice class falconry license or equivalent for at least two (2) years, including maintaining, training, flying, and hunting the raptor for at least four (4) months in each year. That practice may include the capture and release of falconry raptors. Only the time in which the applicant possessed a raptor constitutes experience.

(3) A master class falconry license may be issued to an applicant who has at least five (5) years experience in the practice of falconry with the applicant's own raptors under a general class falconry license or equivalent. Only the time in which an applicant possessed a raptor and practiced falconry constitutes experience.

(e) A lapsed falconry license may be reinstated as follows:

- (1) An individual whose falconry license has lapsed for fewer than five (5) years may have the license reinstated at the level held previously if the applicant can establish the class of license previously held.**
- (2) An individual whose falconry license has lapsed for five (5) years or longer may have the license reinstated at the level held previously if:**
 - (A) the applicant complies with subsection (i);**
 - (B) the applicant can establish the class of license held previously; and**
- (3) A falconry license that has been permanently revoked will not be reinstated under this subsection.**

(f) An individual who has experience in falconry and has resided in the United States for at least sixty (60) days but no more than two (2) years, may qualify for a falconry license appropriate to the individual's experience if the applicant:

- (1) Complies with subsection (i);**
- (2) Has raptor housing facilities that on inspection by an Indiana conservation officer have been found to meet the standards set forth in subsection (l); and,**
- (3) Provides documentation of experience sufficient for the Department to determine the class of falconry license, consistent with subsection (d), for which the applicant is qualified.**

(g) If a license holder moves raptors possessed under this section outside the jurisdiction of the department, the license holder must notify:

- (1) The department; and,**
 - (2) The permitting authority in the license holder's new jurisdiction;**
- of the address change within thirty (30) days.**

(h) If an individual holding a valid falconry license from another jurisdiction within the United States moves to Indiana bringing raptors possessed under that license, the individual must within thirty (30) days:

- (1) Notify the department of the address change; and,**
- (2) Apply for a license under this section;**

The individual may retain possession of raptors while applying for a license.

(i) Before a license may be issued under subsection (d)(1),(e)(2) or (f) the applicant must:

- (1) Correctly answer at least eighty percent (80%) of the questions on a supervised examination covering:**
 - (A) Raptor biology;**
 - (B) The care and handling of raptors; and,**
 - (C) Federal and state laws relating to falconry.**
- (2) An individual who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not for a third time within one hundred eighty (180) days after a second failure.**

(j) A license under this section expires the last day of February of the third year following the year in which the license is issued.

(k) A license holder must comply with the following banding and reporting requirements.

- (1) A leg band must be attached to each raptor within ten (10) days of acquisition.**
- (2) A leg band must be obtained from the department before a license holder attempts to acquire a raptor from the wild.**
- (3) Within ten (10) days of:**
 - (A) Acquiring a raptor;**
 - (B) Transferring a raptor to another license type or individual;**

- (C) Banding or re-banding a raptor;
- (D) Micro-chipping a raptor;
- (E) Losing a raptor that has escaped into the wild and is not recovered within thirty (30) days; or,
- (F) Losing a raptor due to death or theft;

a license holder shall enter the required information in the federal electronic database or submit a form 3-186A to the department.

(4) A captive-bred raptor must be banded with a seamless metal band obtained from the United States Fish and Wildlife Service.

(5) In addition to the leg band required under subsection (k)(1) and the seamless metal band required under subsection (k)(4), a license holder may also purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip in a raptor possesses under this section.

(6) If a seamless metal band is removed or lost, a license holder must report it and request a replacement band from the department within ten (10) days of removal or noting the loss of the band.

(7) If a leg band must be removed or is lost from a raptor in a license holder's possession, the license holder must report the loss of the band within five (5) days, and must then do at least one of the following:

- (A) Request a leg band from the department and reband the raptor.

- (B) Purchase and implant an ISO-compliant (134.2 kHz) microchip in the raptor.

(8) A license holder must not alter, deface, or counterfeit a leg band or seamless metal band.

(9) A license holder may remove the rear tab on a leg band and smooth any imperfect surface, if the integrity of the band and the numbering are not affected.

(10) If a license holder documents health problems or injury in a raptor caused by a leg band or seamless metal band, the license holder may request an exemption from the department for that raptor. If an exemption is approved by the department, the license holder must keep a copy of the exemption paperwork on his person when transporting or flying the raptor. If the raptor is a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon, the license holder must replace the band with an ISO-compliant microchip that will be supplied by the department. The department will not provide a microchip for a wild goshawk, Harris's hawk, peregrine falcon, or gyrfalcon unless the license holder has demonstrated that a band causes an injury or a health problem for the bird.

(11) A license holder may not band a raptor taken from the wild with a seamless metal band.

(l) A license holder shall provide housing facilities as follows:

- (1) All facilities shall be inspected by an Indiana conservation officer and found to meet the standards in this subsection before obtaining a bird for use in falconry.

- (2) All facilities shall provide humane and healthful living conditions.

- (3) The license holder may house compatible raptors together untethered.

- (4) Each raptor must have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.

- (5) Primary enclosures shall be mews, weathering areas or a combination of characteristics of both that provide:

- (A) A suitable perch for each raptor with at least one (1) opening for sunlight;

- (B) Protection for the raptor from the environment, predators, domestic animals, or other undue disturbance.

- (C) An area large enough to allow the raptor to fly if not tethered, or, if tethered, to fully extend its wings or bate without damaging its feathers or contacting other raptors.

- (6) In addition to the requirements of subsection (l)(1) through (l)(4), the following are applicable to mews:

- (A) Mews must be large enough to allow easy access for the care and feeding of the raptors.

(B) For raptors that are not tethered, walls of mews that are not solid must be protected on the inside. Suitable protective materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure.

(C) Acceptable mews include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.

(D) A raptor may be kept inside a license holder's place of residence if:

- (i) a suitable perch is provided; and,
- (ii) the raptor is tethered except when being moved into or out of the location where it is kept.

The license holder is not required to modify windows or other openings of the residence.

(7) In addition to the requirements of subsections (l)(1) through (l)(4), the following are applicable to a weathering area:

(A) A weathering area must be totally enclosed and be made of the following:

- (i) Heavy gauge wire;
- (ii) Heavy-duty plastic mesh;
- (iii) Slats;
- (iv) Pipe;
- (v) Wood; or,
- (vi) Other suitable material.

(B) A weathering area must be covered.

(C) A weathering area must have at least one covered perch for each raptor constructed of acceptable design to protect the raptor from predators, weather, domestic animals, or other undue disturbance.

(D) A weathering area must be large enough to insure that the raptors cannot strike the enclosure when flying from the perch.

(E) New types of weathering areas and/or husbandry practices may be used if they satisfy the requirements above and are approved in writing by the department.

(8) A temporary housing facility must:

(A) Be used for not more than one hundred twenty (120) consecutive calendar days.

(B) Have a suitable perch.

(C) Protect the raptor from extreme temperatures, predators, domestic animals, wind, and excessive disturbances.

(9) The license holder may keep raptors outside in the open if they are under watch by the license holder or the license holder's designee in a weathering yard at a falconry meet or other location.

(10) The license holder's housing facilities may be located on property owned by another person only if the license holder submits documentation confirming that the property owner agrees that the falconry facilities and raptors may be inspected by a conservation officer at any reasonable time of day without advance notice.

(11) The license holder must inform the department within five (5) business days if the location of the housing facilities have changed.

(m) The license holder shall make:

- (1) Records;
- (2) Housing facilities;
- (3) Raptors; and,
- (4) Equipment;

available for inspection by an Indiana conservation officer at any reasonable time without advance notice in the presence of the license holder.

(n) The license holder must have his falconry license, or legible copies, in immediate possession at all times if the license holder is not at the location of his primary housing facilities and is:

- (1) Trapping;**
- (2) Transporting;**
- (3) Working with; or,**
- (4) Flying;**

the raptor.

(o) When:

- (1) transporting a raptor,**
- (2) hunting with a raptor, or**
- (3) a raptor is away from its primary housing facilities,**

a license holder shall provide a suitable perch that is protected from extreme temperatures, wind, and excessive disturbance. A “giant hood” or similar enclosure is acceptable for transporting or housing a raptor when the raptor is away from its primary enclosure.

(p) A license holder must have the following equipment for each raptor:

- (1) A pair of jesses of high quality leather or suitable synthetic material or the materials and equipment to make them. Traditional one (1) piece jesses may be used on a raptor when not being flown.**
- (2) A flexible, weather-resistant leash and a strong swivel of acceptable falconry design.**
- (3) An appropriate, reliable scale or balance graduated to increments of not more than one-half (½) ounce (fifteen (15) grams) for weighing a raptor.**

(q) A license holder may allow an individual to temporarily care for a raptor possessed under this section as follows:

- (1) The license holder shall provide the individual providing the care with the following:**
 - (A) A copy of the form 3-186A showing that the license holder is the possessor of each raptor.**
 - (B) A signed and dated statement:**
 - (i) Authorizing the temporary possession of the raptor;**
 - (ii) Specifying the duration of the temporary possession; and,**
 - (iii) Specifying what the caregiver is authorized to do with the raptor.**
- (2) If the caregiver holds a valid falconry license, the caregiver may:**
 - (A) Care for the raptor for a maximum one hundred twenty (120) consecutive days.**
 - (B) Care for the raptor at the facilities of the license holder or the caregiver.**
 - (C) Fly the raptor as authorized by the license holder if the caregiver holds the appropriate level falconry license.**
- (3) If the caregiver does not hold a valid falconry license, the caregiver may:**
 - (A) Care for the raptor for a maximum of forty-five (45) consecutive days.**
 - (B) Care for the raptor only at the facilities of the license holder.**
 - (C) Not fly the raptor for any reason.**
- (4) Notwithstanding subsections (q)(2)(A) or (q)(3)(A), the department may approve indefinite extensions of temporary care in extenuating circumstances, including:**
 - (A) illness;**
 - (B) military service; or,**
 - (C) family emergency.**

The department will consider such instances on a case-by-case basis.

(5) A raptor in temporary care will remain on the falconry license of the individual identified on the form 3-186A. If the caregiver is also a license holder, the raptor will not be counted against the possession limit of the caregiver.

(r) To practice falconry, an individual who resides in the State of Indiana for more than one hundred

twenty (120) consecutive days, but does not maintain a primary residence in the state, must:

- (1) obtain a license under this section within one hundred twenty (120) days of arriving in Indiana;
- (2) be a valid license holder in the individual's state of residence; and,
- (3) possess only the number and species of raptors authorized under this section for the license class held.

(s) Regardless of the number of state, tribal or territorial falconry permits possessed:

(1) an apprentice class license holder shall possess no more than one (1) raptor as follows:

- (A) The raptor must be a wild raptor.
- (B) The raptor must be either:
 - (i) an American kestrel (*Falco sparverius*); or,
 - (ii) a red-tailed hawk (*Buteo jamaicensis*).
- (C) The raptor must not be taken from the wild as an eyass.
- (D) The raptor must not be imprinted on humans.

(2) A general class license holder shall not possess more than three (3) raptors as follows:

- (A) The raptors may be of any Falconiform or Strigiform species except the following:
 - (A) a federally listed threatened or endangered species;
 - (B) a bald eagle;
 - (C) a white-tailed eagle;
 - (D) a Steller's sea eagle; or,
 - (E) a golden eagle.

(B) The raptors may be wild, captive-bred or hybrid species.

(3) A master class license holder may possess any Falconiform or Strigiform species except a bald eagle as follows:

- (A) Only five (5) of the raptors possessed, including golden eagles, may be wild raptors.
- (B) An unlimited number of captive-bred raptors, including hybrids, may be possessed only if the license holder:
 - (i) trains them in the pursuit of wild game; and,
 - (ii) uses them in hunting.
- (C) Only one (1) federally listed threatened or endangered species of raptor, including hybrids of federally listed threatened or endangered species of raptors, may be possessed.
- (D) A maximum of three (3) eagles, including eagle hybrids, of the following species:
 - (i) golden eagle;
 - (ii) white-tailed eagle; or,
 - (iii) Steller's sea eagle;

may be possessed if the department approves a request to possess an eagle under subsection (s)(3)(E).

(E) A master class license holder shall obtain the approval of the Department before obtaining an eagle under subsection (s)(3)(D) by submitting documentation of the following:

- (i) The license holder's experience in handling large raptors, including information about the species the individual has handled and the type and duration of the activity in which the experience was gained.
- (ii) At least two letters of reference from individuals with experience handling and/or flying large raptors such as eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*), or great horned owls (*Bubo virginianus*). Each must contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter must also assess the license holder's ability to care for eagles and fly them in falconry.

- (t) A license holder may take a raptor from the wild for use in falconry only as follows:
- (1) A license holder may take no more than two (2) raptors from the wild annually.
 - (2) A license holder must not take a species of raptor from the wild in Indiana that is classified as threatened or endangered under:
 - (A) 50 CFR 17.11; or
 - (B) 312 IAC 9-4-14.
 - (3) An individual with a falconry license issued by another state may lawfully take a raptor in Indiana only if the individual has a master or general class falconry license issued from the state of residence.
 - (4) Eyasses may be taken from the wild only by the holder of a general or master class falconry license from January 1 through August 31 of each year subject to the following restrictions:
 - (A) The holder of a general class falconry license may take only one (1) eyass each year.
 - (B) The holder of a master class falconry license may take no more than two (2) eyasses each year.
 - (C) At least one (1) eyass must remain in the nest.
 - (5) A license holder may take passage birds from September 1 through the last day of February of the following year.
 - (6) A license holder may take only the following species of raptor over one (1) year of age:
 - (A) American kestrel (*Falco sparverius*); or,
 - (B) great horned owl (*Bubo virginianus*).
 - (7) A license holder may not intentionally capture a raptor species that may not be possessed by the license holder.
 - (8) A license holder must not take raptors at any time or in any manner that violates any law on whose land the license holder is trapping.
 - (9) A license holder must immediately release any raptor that is captured unintentionally or is not allowed to be possessed.
 - (10) A master class license holder authorized to possess golden eagles may capture an immature or subadult golden eagle in a livestock depredation area in accordance with 50 CFR 21.29.
 - (11) A general or master class license holder may take no more than one (1) raptor of a federally threatened species from the wild each year if:
 - (A) The take is allowed in the location where the raptor was taken;
 - (B) The raptor is taken in accordance with this section; and
 - (C) A federal endangered species permit is obtained before taking the raptor.
 - (12) Raptors may be taken by an individual other than the license holder as follows:
 - (A) If the license holder is present at the capture site:
 - (i) The individual capturing the raptor is not required to hold a license under this subsection.
 - (ii) The capture of the raptor counts towards the take of wild raptors by the license holder.
 - (iii) The license holder must fulfill the requirements of subsection (k).
 - (B) If the license holder is not present at the capture site:
 - (i) The individual capturing the raptor must hold a general or master class falconry license.
 - (ii) The individual capturing the raptor must fulfill the requirements of subsection (k).
 - (iii) If the raptor is transferred to another license holder both license holders must fulfill the requirements of subsection (k).
 - (C) Notwithstanding subsection (t)(12)(B), the holder of a general or master class falconry license may capture a raptor for a license holder who has a long-term or permanent physical impairment that prevents him from attempting to capture a raptor species to use for falconry if:
 - (i) The license holder with the long-term or physical impairment who retains the

raptor shall fulfill the requirements of subsection (k).

(ii) The raptor is considered to be taken from the wild by the license holder with the long-term or physical impairment and not by the license holder capturing the raptor.

(13) Except under subsection (t)(12)(C), a license holder who captures a wild raptor and transfers the wild raptor to another license holder in the same calendar year must count the raptor as one of the raptors the license holder is allowed to take from the wild that year. The transferred wild raptor will not count against the take of wild raptors by the transferee.

(14) If a raptor is injured by the trapping efforts of a license holder, the license holder must:

(A) Either:

(i) Put the raptor on the license holder's falconry license and:

(aa) Count the raptor against the license holder's take of wild raptors;

(bb) Count the raptor against the license holder's possession limits;

(cc) Fulfill the requirements of subsection (k); and,

(dd) Have the raptor treated by a veterinarian or a wild animal rehabilitator licensed under 312 IAC 9-10-9 and 50 CFR 21.29; or

(ii) Give the raptor directly to:

(aa) a licensed veterinarian;

(bb) a wild animal rehabilitator licensed under 312 IAC 9-10-9 and 50 CFR 21.29; or,

(cc) an appropriate department employee.

(B) Under either option, the license holder is responsible for the costs of care and rehabilitation of the raptor.

(u) A license holder may acquire any age of raptor of a species the license holder is authorized to possess directly from a rehabilitator only as follows:

(1) Transfer to a license holder is at the discretion of the rehabilitator.

(2) A raptor that is acquired from a rehabilitator will count as one of the raptors allowed to be taken from the wild that year.

(v) A license holder may transfer raptors as follows:

(1) A captive-bred raptor marked with a seamless metal band may be sold, purchased, bartered or traded to an individual who is authorized to possess captive-bred raptors;

(2) A wild raptor may be given to an individual who is authorized to possess wild raptors.

(3) Unlimited transfers of wild or captive-bred raptors are allowed but a license holder must not exceed the possession limit for the license class held.

(w) A species or subspecies that was recently removed from the Federal List of Endangered and Threatened Wildlife may be used in falconry only if:

(A) The U.S. Fish and Wildlife Service has published a management plan for the species;

(B) Take of the species is authorized by the management plan; and,

(C) The raptor is taken in accordance with the management plan.

(x) Raptors captured with bands, markings or transmitters are subject to the following:

(1) A license holder may take a raptor banded with a Federal Bird Banding Laboratory aluminum band except for a peregrine falcon.

(2) A license holder who captures a raptor, including a peregrine falcon, that has a Federal Bird Banding Laboratory aluminum band, or other research band, research marking or transmitter shall:

(A) Promptly report the band numbers and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263; and,

(B) Release the raptor immediately.

(3) Notwithstanding subsection (x)(2), a license holder who captures a raptor, including a

peregrine falcon, that is fitted with a transmitter may possess the raptor for a maximum of thirty (30) days to do the following:

- (A) contact the researcher; and,
- (B) at the discretion of the researcher, allow the researcher or the researcher's designee to replace the transmitter, replace the transmitter batteries or remove the transmitter.

If the researcher removes the transmitter the license holder may keep the raptor if the license holder lawfully took and is authorized to possess the raptor.

(3) If a license holder temporarily possesses a raptor under this subsection, it will not count against the license holder's possession limit.

(y) A license holder may recapture a falconry raptor, including a peregrine falcon, that has a leg band, a seamless metal band, a transmitter, falconry equipment or any other item attached to its body identifying it as a falconry raptor.

(1) A license holder who recaptures a falconry raptor shall comply with the following:

- (A) Report the capture to the department within five (5) working days after the capture;
- (B) Return the raptor to the individual who lost it if the individual is authorized to possess it.
- (C) Dispose of a raptor whose legal possession cannot be determined as directed by the department.

(2) A license holder may keep a falconry raptor that was lawfully recaptured if the individual who lost the raptor is not authorized to possess the raptor or does not wish to possess it.

(3) The temporary possession of a falconry raptor under this subsection will not count against the license holder's possession limit.

(4) The recapture of a wild raptor is not considered to be taking a raptor from the wild.

(z) A license holder may transfer:

(1) A wild raptor to the holder of another permit type as follows:

(A) To the holder of a raptor propagation permit as follows:

- (i) A sharp-shinned hawk, Cooper's hawk, Merlin or American Kestrel after used in falconry for at least one (1) year.
- (ii) All other wild raptors after used in falconry for two (2) years.

(B) At any time after the license holder's acquisition of a wild raptor the raptor may be transferred to the holder of another permit type that authorizes the possession of the wild raptor if the wild raptor has been injured and a licensed veterinarian or wild animal rehabilitator licensed under 312 IAC 9-10-9 has determined that the wild raptor can no longer be flown for falconry. The license holder shall submit a certification from the veterinarian or wild animal rehabilitator confirming that the wild raptor is not useable in falconry.

(2) A captive-bred raptor to the holder of another permit type that authorizes the possession of the captive-bred raptor.

(3) A raptor to another license type possessed by the falconry license holder.

(aa) Raptors possessed under the falconry license of a deceased license holder may be transferred by the:

- (1) Surviving spouse;
- (2) Executor;
- (3) Administrator; or,
- (4) Other legal representative;

to another license holder within ninety (90) days of the death of the license holder. After ninety (90) days, disposition of a raptor held under a falconry license of deceased individual is at the discretion of the department.

(bb) The permanent release of raptors to the wild must comply with the following:

- (1) A license holder shall not permanently release a raptor that:
 - (A) is not native to the State of Indiana; or,
 - (B) is a hybrid.
- (2) A license holder may release a captive-bred raptor that is native to Indiana at an appropriate time of year and an appropriate location only after:
 - (A) Obtaining prior written approval from the department;
 - (B) Hacking the raptor under subsection (cc) at an appropriate time of year and an appropriate location;
 - (C) Removing the raptor's seamless metal band; and,
 - (D) Returning the seamless metal band to the department.
- (3) A license holder may release a wild raptor that is native to Indiana at an appropriate time of year and an appropriate location without prior approval from the department. A license holder must:
 - (A) Remove the raptor's leg band prior to the release; and,
 - (B) Return the leg band to the department.
- (cc) To hack a raptor, a general or master class license holder must:
 - (1) Obtain the prior written approval from the department;
 - (2) Include the raptor against the license holder's possession limit;
 - (3) Be authorized to possess the raptor being hacked; and,
 - (3) Contact the department before hacking a raptor to ensure that the license holder does not conduct hacking activities:
 - (A) Near a nesting area of a federally threatened or endangered bird species; or,
 - (B) In any other location where the raptor is likely to harm a federally listed threatened or endangered animal species that might be disturbed or taken by the falconry bird.

A license holder can contact the United States Fish and Wildlife Service office in Indiana for information on state and federally-endangered species.
- (dd) A license holder may use other acceptable falconry practices in training and conditioning raptors, including:
 - (1) the use of creance (tethered) flying;
 - (2) lures;
 - (3) balloons; or,
 - (4) kites.
- (ee) A license holder must never intentionally release a raptor for free flight while it is wearing "slitted" style mew jesses.
- (ff) A license holder shall affix at least two (2) functioning radio transmitters to any hybrid raptor being free flown for any reason.
- (gg) Only a license holder may hunt or possess a wild animal taken with the aid of a raptor. A license holder may be accompanied by another individual who shall not:
 - (1) Have paid a fee to accompany the license holder; or,
 - (2) Handle a raptor possessed by a license holder except to hold or practice flying the raptor while under the direct and on-site supervision of the license holder.
- (hh) A license holder may take wild animals by the use of a raptor only as follows:
 - (1) The season for hunting with raptors:
 - (A) eastern cottontail rabbits, northern bobwhite quail, and ring-necked pheasants is from September 1 through February 28 of the following year; and
 - (B) gray and fox squirrels is from August 15 through February 15 of the following year.
 - (2) The daily bag limit per raptor is two (2) rabbits, two (2) squirrels, one (1) quail, and one (1)

pheasant, except during the seasons for these wild animals established under 312 IAC 9-3 and 312 IAC 9-4, when the daily bag limits established under those rules apply.

(3) The season and bag limits for taking waterfowl and migratory birds are those set forth in 312 IAC 9-4 and 50 CFR 21.

(4) If a raptor kills an animal without the intent of the license holder that is:

(A) not in the regular hunting season; or,

(B) in excess of a bag limit,

the license holder must not possess the animal but the raptor may feed upon the carcass before leaving the site.

(5) A license holder may hunt a species listed in this subsection during any time of day.

(6) A license holder may possess a handgun in accordance with IC 35-47 while hunting with a raptor under this section if the license holder:

(A) has a valid unlimited license to carry a handgun issued under IC 35-47-2-3;

(B) has a valid unlimited license to carry a handgun recognized under IC 35-47-2-21(b);

or

(C) is not required to possess a license to carry a handgun under IC 35-47-2-2.

(7) A license holder must ensure that the raptor does not take state or federally listed threatened or endangered wild animals. A license holder can contact the United States Fish and Wildlife Service office in Indiana for information on state and federally-endangered species. A license holder must report the take of any federally listed threatened or endangered species to the United States Fish and Wildlife Service Ecological Services Field Office for the location in which the take occurred.

(8) A license holder may hunt wild animals under this subsection on:

(A) Public lands where authorized; and,

(B) Private lands with the permission of the landowner or custodian.

(9) A license holder may hunt the following species of birds on private property with the use or aid of a motor driven conveyance that is not under power or in motion:

(A) American crows;

(B) European starlings;

(C) English sparrows; and

(D) Rock pigeons

Notwithstanding subsection (hh)(6), the license holder shall not possess a firearm of any type while using a motor driven conveyance.

(10) A license holder may hunt a wild animal without wearing hunter orange only on property in which a local ordinance prohibits the use of firearms.

(ii) Abatement activities may be conducted by:

(A) The holder of a master class license with a raptor possessed under this section only if the license holder has been issued a Special Purpose Abatement permit issued by the United States Fish and Wildlife Service.

(B) The holder of a general class license with a raptor possessed under this section only as a sub-permittee of the holder of a Special Purpose Abatement Permit.

A license holder may receive payment for providing abatement services.

(jj) A license holder may take any species listed in 50 CFR parts 21.43, 44, 45, or 46 with a raptor at any time in accordance with the conditions of an applicable depredation order issued under 50 CFR 22, as long as the license holder is not paid for doing so.

(kk) A license holder may fly raptors at bird species not protected by law or at pen-raised animals without the intent to take.

(ll) A license holder may use a raptor possessed under this section in conservation education programs presented in public venues.

- (1) A license holder may present conservation education programs as follows:**
 - (A) A license holder is not required to obtain a special purpose educational permit under 312 IAC 9-10-9.5 provided that any fee charged does not exceed the amount required to recoup the costs of presenting the program.**
 - (B) A license holder shall hold a valid special purpose educational permit under 312 IAC 9-10-9.5 if the license holder presents conservation education programs for profit.**
- (2) An apprentice class license holder may present conservation programs only under the direct supervision of a general or master class license holder.**
- (3) A raptor used in conservation education programs must be used by the license holder primarily for falconry.**
- (4) All conservation education programs must provide information about the following:**
 - (A) Raptor biology;**
 - (B) Ecological role of raptors; and**
 - (C) Conservation needs of raptors and other migratory birds.**
- (5) A raptor mounted by a taxidermist under subsection (qq)(3)(B) may be used in conservation education programs.**
- (6) The license holder is responsible under 50 CFR 13.50 for all liability associated with conservation education activities undertaken.**

(mm) A license holder may use raptors possessed under this section in captive propagation if the license holder or the person overseeing the propagation has a raptor propagation permit from the U.S Fish and Wildlife Service. A license holder:

- (A) Is not required to transfer a raptor from his or her falconry license if the raptor is used in captive propagation for fewer than eight (8) months in a twelve (12) month period of time.**
- (B) Must permanently transfer the raptor to the raptor propagation permit and band the raptor as required in 50 CFR 21.30 if the raptor is used in captive propagation for more than eight (8) months in a twelve (12) month period.**

(nn) A license holder:

- (1) May without receiving compensation allow a raptor possessed under this section to be photographed, filmed, or depicted visually by other means to create sources of information on the following:**
 - (A) The practice of falconry;**
 - (B) Raptor biology;**
 - (C) Ecological role of raptors; and**
 - (D) Conservation needs of raptors and other migratory birds.**
- (2) Is prohibited from allowing a raptor possessed under this section to be used for the purpose of:**
 - (A) Making:**
 - (i) Movies or other commercial entertainment;**
 - (ii) Commercials or other advertisements;**
 - (iii) Any other commercial ventures that are not related to falconry.**
 - (B) Promoting or endorsing any:**
 - (i) Products;**
 - (ii) Merchandise;**
 - (iii) Goods; or,**
 - (iv) Services.**
 - (C) Representating any:**
 - (i) Business;**
 - (ii) Company;**
 - (iii) Corporation; or,**
 - (iv) Other organization.**

(oo) A general or master class license holder may assist a wild animal rehabilitator licensed under 312 IAC 9-10-9 and 50 CFR 21.31 to condition raptors in preparation for their release to the wild only as follows:

- (1) The license holder must possess a document from the rehabilitator that:**
 - (A) Identifies the raptor; and,**
 - (B) Explains that the license holder is assisting in the raptor's rehabilitation.**
- (2) If the license holder's facilities comply with this section, notwithstanding 312 IAC 9-10-9, the license holder is not required to comply with the housing facility standards and is not subject to inspection under:**
 - (A) 312 IAC 9-10-9; or,**
 - (B) 50 CFR 21.31.**
- (3) A license holder must:**
 - (A) Return any raptor that cannot be permanently released to the wild to the rehabilitator for placement within one hundred and eighty (180) days unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain the raptor for longer than one hundred and eighty (180) days.**
 - (B) Upon coordination with the rehabilitator:**
 - (i) Release all releasable raptors to the wild or return them to the rehabilitator for release within the one hundred and eighty (180) days unless the United States Fish and Wildlife Service Migratory Bird Permit office authorizes the license holder to retain and condition the raptor for longer than one hundred and eighty (180) days; or,**
 - (ii) Transfer the raptor to the license holder's falconry license.**
- (4) The raptor in possession of a license holder will remain under the permit of the wild animal rehabilitator and is not required to be added to the falconry license unless transferred under subsection (oo)(3)(B)(ii).**

(pp) A license holder shall manage feathers of raptors as follows:

- (1) For imping, a license holder may possess flight feathers for each species of raptor possessed or previously held for as long as the person has a valid falconry license.**
- (2) A license holder may for imping purposes receive feathers from and give feathers to other individuals holding valid licenses under:**
 - (A) this section;**
 - (B) 312 IAC 9-10-9 for wild animal rehabilitation; or,**
 - (C) 50 CFR 21.30 for raptor propagation in the United States.**
- (3) A license holder may donate raptor feathers, except golden eagle feathers, to:**
 - (A) any person or institution with a valid permit to possess them; or,**
 - (B) to anyone exempt from the permit requirement under 50 CFR 21.12.**
- (4) A license holder is not required to gather feathers that are molted or otherwise lost by a raptor except for primary or secondary flight feathers or retrices from a golden eagle.**
- (5) A license holder must collect all molted flight feathers and retrices from a golden eagle. If the license holder does not need the feathers for imping purposes or upon expiration or revocation of a falconry license, the license holder shall send all feathers (including body feathers) to the National Eagle Repository at the following address: U.S. Fish and Wildlife Service, National Eagle Repository, Rocky Mountain Arsenal, Building 128, Commerce City, Colorado 80022.**
- (6) A license holder must not buy, sell, or barter raptor feathers.**
- (7) Upon the expiration, denial, suspension, or revocation of a falconry license, all feathers of any species of raptor except a golden eagle must be:**
 - (A) given to an individual or any institution exempt from the permit requirements under 50 CFR 21.12;**
 - (B) given to an individual authorized by permit to acquire and possess the feather,**
 - (C) burned,**

- (D) buried, or**
- (E) otherwise destroyed.**

(qq) A license holder must dispose of a carcass of a raptor possessed under this section only as follows:
(1) For golden eagles, the entire body, including all feathers, talons, and other parts, must be sent to the National Eagle Repository.

(2) For all other species, the body or feathers of the raptor must be:

- (A) given to an individual or institution exempt from permit requirements under 50 CFR 21.12;**
- (B) given to an individual authorized by permit to acquire and possess such parts or feathers;**
- (C) burned;**
- (D) buried; or,**
- (E) otherwise destroyed;**

within ten (10) days of the raptor's death or final veterinarian examination to determine the cause of death.

(3) A license holder may keep the body of any falconry raptor, except a golden eagle, if the raptor was banded or microchipped prior to its death for the following:

- (A) Feathers useable for imping; or,**
- (B) Mounting by a taxidermist with the:**
 - (i) leg band remaining on the body; or**
 - (ii) the microchip left in place.**

(4) The license holder shall take appropriate precautions to avoid the risk of secondary poisoning of eagles and other scavengers by carcasses of euthanized raptors.

(5) A license holder who:

- (A) Does not donate the carcass or feathers; or**
- (B) Have the body mounted by a taxidermist;**

may possess the flight feathers for as long as the license holder holds a valid license under this section and maintains documentation of the acquisition of the raptor.

(rr) A license may be suspended, denied, or revoked if the license holder fails to comply with any of the following:

- (1) This section; or,**
- (2) IC 14-22.**

(ss) A license holder may seek restoration of a suspended, denied or revoked license under IC 4-21.5.